

**CREATE FOREST TREE PLANTING
PROGRAM**

House Bill 4766

Sponsor: Rep. Steve Vear

**Committee: Conservation and Outdoor
Recreation**

Complete to 8-8-01

A SUMMARY OF HOUSE BILL 4766 AS INTRODUCED 5-15-01

House Bill 4766 would add a new part, Part 528, entitled "Michigan Trees for the Twenty-first Century Grants," or "MITREES," to the Natural Resources and Environmental Protection Act (NREPA). The bill would establish a forest tree-planting program, a MITREES Board to establish and administer the program, and a MITREES Fund to provide grants for the program. The provisions of Part 528 would be repealed ten years after the bill's effective date.

MITREES Board. The board would be established by the Michigan State University Forestry Department to carry out of the responsibilities provided in Part 528. The board would consist of 11 members, appointed by the governor as follows:

- Not less than four nor more than six individuals from the private sector, such as community leaders, foresters, individuals from statewide tree and urban forester associations, and other interested individuals.
- Not less than four nor more than six officials from local units of government, such as city planners, urban foresters, and members of city or village councils, township boards, and county boards of commissioners.
- One or two individuals from state government.

The members first appointed to the board would have to be appointed within 30 days after the effective date of the bill. Members would serve for terms of two years or until a successor had been appointed, whichever was later, except that, of the members first appointed, five would serve for one year, and six for two years. In addition, should a vacancy occur on the board, the governor would be required to make an appointment for the unexpired term in the same manner as the original appointment. The governor could also remove a board member for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

The board would elect a chairperson and other officers from among its members, as it considered necessary or appropriate, at the first board meeting, which would be called by the governor. After the first meeting, the board would be required to meet at least quarterly, or more frequently at the call of the chairperson, or if requested by six or more members. A majority of the members would constitute a quorum for the transaction of business at a meeting of the board. A majority of the members present and serving would be required for an official action of the board.

The business that the board could perform would have to be conducted at a public meeting of the board, held in compliance with the provisions of the Open Meetings Act (MCL 15.261 et al.). The bill would also specify that a writing prepared, owned, used, or retained or in the possession of the board in the performance of an official function would be subject to the Freedom of Information Act (FOIA) (MCL 15.231 et al.). In addition, members of the board would serve without compensation. However, they could be reimbursed for actual and necessary expenses incurred in the performance of their official duties as board members.

Michigan Trees for the Twenty-first Century Grant Program (MITREES). The program would be established and administered by the MITREES board. The MITREES board would also set policy for, and oversee MITREES. Under the program, grants would be provided to local units of government to purchase trees for planting on public lands only. A MITREES grant could not exceed \$30 per tree. However, the state treasurer would adjust the figure by an amount determined by the treasurer at the end of each calendar year, to reflect the cumulative annual percentage change in the Consumer Price Index (CPI). The board would appoint a selection committee, composed of board members and of individuals with knowledge and expertise in forestry, to review grant applications and to make recommendations to the board.

A local unit of government that wished to apply for a MITREES grant would have to submit an application to the board. The application would have include the following information:

- A tree planting plan that specified the species of trees proposed to be planted; the location where they would be planted; the method of planting; and a description of how they would be cared for after planting.
- A plan for reporting on the viability of the trees during a two-year time period after they were planted.
- Other information required by the board.

Upon receipt, the board would forward an application to the selection committee.

Selection Committee. A meeting of the selection committee would also have to be conducted in compliance with the Open Meetings Act. The committee would meet to review MITREES grant applications at direction of the board. It would review all applications and make recommendations to the board on which ones it believed should be approved, after taking all of the following into consideration:

- The adequacy of the tree planting plan.
- The amount of the grant requested.
- Whether the applicant had previously applied for and did not receive a MITREES grant.
- The extent to which the issuance of the grant contributed to a proportional distribution of grants throughout the state. To the extent that acceptable applications were received, an equal amount of grant money would have to be distributed to each House of Representatives legislative district.

- Other criteria considered important by the committee.

The board would have to review the committee recommendations and issue MITREES grants, as it considered appropriate. An applicant that had been denied a grant could submit a request for reconsideration to the board.

Program Requirements. The board could require that the grant recipient do all of the following as a condition of receiving a grant:

- Plant all trees prior to Memorial Day.
- Submit a planting report, containing information required by the board, within 14 days of completion of the planting.
- Submit reports to the board describing the number of trees planted and the number surviving as of the reporting date. These reports would have to be submitted within 14 days following Memorial Day of the year the trees were planted; within 14 days following Labor Day of that year; within 14 days following Memorial Day of the year after the trees were planted; and within 14 days following Labor Day of the year after they were planted.

The MITREES Fund. The fund would be created within the state treasury to receive money or other assets from any source, as well as interest and earnings from fund investments. Money in the fund at the close of the fiscal year would remain in the fund and would not lapse to the general fund. It would be expended, upon appropriation, only for the following purposes:

**For MITREES grants, as provided under the bill.

**Three percent of the amount appropriated each year for the administrative expenses of the board and of the Michigan State University Forestry Department in administering the provisions of the bill.

MCL 324.52801 et al.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.